

8/26/2010

Amherst Planning Dept. ~ JT

DRAFT

New language in red italics

ARTICLE __ DEVELOPMENT MODIFICATION

To see if the Town will amend Table 3, Dimensional Regulations, and Articles 4, 6, and 14 of the Zoning Bylaw by deleting the ~~lined-out~~ language, adding the language in ***bold italics***, and replacing language, as follows:

A. Add a new footnote o. to the title of Table 3, Dimensional Regulations, as follows:

- o. *The dimensional regulations and resulting densities of Table 3 may be modified under the provisions of Article 14, Density & Dimensional Modification.*

B. Amend the following existing subsections of Article 4, Development Methods, as follows:

[Affordable clusters]

- 4.330 The Planning Board ~~may authorize a greater~~ ***shall modify the*** number of building lots ~~than would be allowed by the density requirements of Section 4.3231 or Section 4.327~~ ***subject to based upon the provisions of Article 14, increasing or decreasing them accordingly.*** ~~only if a minimum of 10% of the total dwelling units in the development are affordable units as herein defined. In no event shall the Board authorize a greater number of building lots than 120% of the maximum number of lots otherwise allowed under the applicable development method. For the purpose of this calculation, 10% of the total parcel size shall be subtracted for road allowance prior to calculating the maximum density normally allowed. See Section 4.12.~~

[OSCD affordable units]

- 4.550.0 In any OSCD that includes affordable dwelling units in accordance with Sections 4.333-4.334, the maximum density established under Section 4.520 ~~may~~ ***shall be modified and*** increased ~~subject to or decreased based upon the provisions of Article 14.~~ ***by the number of affordable units proposed. Additional units allowed under this provision shall not exceed 20% of the maximum otherwise permitted under Section 4.520.***

[OSCD accessible units]

- 4.551.0 In any OSCD that includes dwelling units fully handicapped accessible under the provisions of Massachusetts Architectural Access Board regulations (521 CMR), as amended, the maximum density established under Section 4.520 ~~may~~ ***shall be modified and*** increased ~~subject to or decreased based upon the provisions of~~

~~*Article 14. by the number of accessible units proposed, except that no accessible units may be counted as part of such a density bonus unless separate affordable dwelling units are also being provided. Additional accessible units allowed under this provision shall not exceed 10% of the maximum otherwise permitted under Section 4.520.*~~

C. Add a new Section 4.4221, as follows:

4.4221 *In any PURD that includes affordable dwelling units in accordance with Sections 4.333-4.334, or dwelling units fully handicapped accessible under the provisions of Massachusetts Architectural Access Board regulations (521 CMR), as amended, the maximum density that could otherwise be established under this section ~~may~~ shall be modified and increased or decreased according to the provisions of Section 14.80.*

D. Amend Sections 6.17 and 6.18, by adding the new sentence “See Section 14.3.” to the end of each section.

E. Amend Article 12, Definitions, by adding the following new definitions in alphabetical order and renumbering the remaining sections accordingly:

12. *Historic or Archeological Resources, Critical: Sites, landforms, structures, objects or features which are: (1) located on properties or themselves listed on the National Register of Historic Places, or (2) included in the Amherst Historic Resource Inventory, or have been, (3) found by the Amherst Historical Commission to be significant under the provisions of Section 13.4 of this Bylaw, whether as part of a demolition delay proceeding or otherwise.*

12. *Housing, Affordable: Affordable housing units are units which may be rented or purchased by those who meet the guidelines for maximum annual income for low-income or moderate-income family or household. The income limit for low-income shall be 80% of the median income for Amherst and the income limit for moderate-income shall be 120% of median income for Amherst.*

Median income for Amherst shall be as calculated by the U.S. Department of Housing & Urban Development, or any successor agency and shall be adjusted for family size.

Permanently preserved affordable housing shall be defined to include any dwelling units providing affordable housing for low or moderate income households as defined above, where said units are: (1) eligible to be counted under the Subsidized Housing Inventory (SHI) maintained by the Mass. Dept. of Housing and Community Development or its successor under the provisions of MGL Ch. 40B, or (2) proposed by the Amherst Housing Authority or a non-profit or limited dividend partnership, and subsidized by federal, state or local programs, or (3) non-subsidized housing units priced to be affordable to low or moderate income households.

Under (2) and (3) above a deed restriction enforceable by the Town of Amherst shall be recorded providing that the affordable units will remain affordable at the level specified for a period of forty years.

12. *Preservation, Permanent: For the purposes of this Bylaw, permanent preservation of any land, property, or resources hereunder shall entail either (1) conveyance to the Commonwealth of Massachusetts for the specified public purpose(s), or (2) conveyance to the Town of Amherst and acceptance of it for the specified public purpose(s), or (3) conveyance to a non-profit organization, the principal purpose of which is consonant with the public purpose(s) being served under the Bylaw, or (4) conveyance to a corporation or trust owned or to be owned by the owners of the land, property, or resources in question. If such a corporation or trust is utilized, as indicated herein, ownership thereof shall pass with conveyances of the lots or residential units. Under the third and fourth ownership alternatives listed above, a deed restriction enforceable by the Town of Amherst shall be recorded providing that such land, property, or resource shall, in perpetuity, be owned, maintained, and utilized in a state and manner consistent with the public purposes for which the preservation in question has been established. For the permanent preservation of housing, see the definition for Housing, Affordable.*

12. *Scenic View: A scenic view is a wide angle or panoramic field of sight constituting or affording pleasing views of relatively undisturbed natural features and which may include views of unique natural and/or man-made structures and activities. A scenic view may be visible from a stationary viewpoint or while travelling along a roadway, waterway, or path. A scenic view may afford visual access to a distinct but distant object, such as a mountain, or a nearby object.*

F. Remove the current Article 14, Phased Growth, in its entirety, and replace it with the following new article:

ARTICLE 14 DEVELOPMENT MODIFICATION

SECTION 14.0 INTENT & PURPOSE

The purpose of this Article is to ensure that growth and development in Amherst occur in an orderly and planned manner, in accordance with the recommendations of the Master Plan adopted by the Planning Board. This Article is intended to encourage types and patterns of residential and commercial growth which reflect the values of the community, to mitigate the impacts of such development, and to maintain high quality municipal services for an expanding population.

SECTION 14.1 REGULATIONS

14.10 GENERAL REGULATIONS & ASSIGNMENT OF POINTS

The regulations of this Article shall apply to all residential and non-residential development in

Amherst. In those zoning districts in which Table 3, Dimensional Regulations, establishes a maximum residential density through the use of minimum lot area and additional lot area/family, the Permit Granting Board or Special Permit Granting Authority Planning Board, as applicable, shall modify the residential density (number of dwelling units) for residential or mixed uses under Article 3 and residential developments under Articles 4 and 6 as part of the approval of any development. Similarly, the permit granting body shall for mixed uses ~~and non-residential uses~~ modify the dimensional requirements under Table 3 for building coverage (percent of lot covered by buildings) and for maximum floors and height, as hereinafter provided.

14.100 With regard to residential land uses or development methods, the provisions of this section shall be applied only to residential uses, mixed uses, residential developments and residential accessory uses involving a resulting net total of ~~four (4)~~ *six (6)* or more existing or new *dwelling* units on the subject property or properties of the permit application.

14.101 Under Sections 14.2 and 14.3 of these regulations, wherever a single positive or negative point score is shown and the application meets the criteria of the section in question, that point score and no other shall be assigned. Wherever a range of potential points is shown, the Permit-Granting Board or Special Permit Granting Authority shall apply such standards or criteria as it deems necessary and appropriate to determine the appropriate point score. In all cases, points assigned shall not exceed the minimums or maximums shown. Unless otherwise specified, developments shall be eligible for all points for which they qualify.

14.20 HOUSING DEVELOPMENT

It is the policy of the Town of Amherst to encourage a full and diverse mix of housing serving all residents. The provisions of this section are intended to act in concert with the other provisions in this Bylaw addressing affordable housing, density bonuses, and inclusionary requirements.

14.200 AFFORDABLE & DIVERSE HOUSING

It is the policy of the Town of Amherst to preserve and expand the community's supply of low and moderate income affordable housing.

14.2000 Any development of ~~four~~ *six (6)* or more dwelling units which includes 25% or more of its units as affordable housing for low income households as defined under Article 12 and as eligible to be counted under the Subsidized Housing Inventory (SHI) maintained by the Mass. Dept. of Housing and Community Development or its successor under the provisions of MGL Ch. 40B, and which is subsidized by federal, state or local programs, or proposed by the Amherst Housing Authority, or by a non-profit or limited dividend partnership, or any development which includes 25% or more of its units as non-subsidized housing units priced

to be affordable to households whose income is equal to or less than 80% of the median income for Amherst and which provides that the mix of affordable and market rate housing built in any one year is equivalent to the overall mix for the entire development, and which further provides that resale restrictions are established by the developer which ensure that the affordable units remain affordable for a period of forty years.

+20

- 14.2001 Any development of ~~four~~ **six (6)** or more dwelling units which includes 25% or more of its units for moderate income households as defined under Article 12, and which is subsidized by federal, state or local programs, or proposed by the Amherst Housing Authority, or by a non-profit or limited dividend partnership, or any development which includes 25% or more of its units as non-subsidized housing units priced to be affordable to households whose income is greater than 80% or equal to or less than 120% of the median income for Amherst and which provides that the mix of affordable and market rate housing built in any one year is equivalent to the overall mix for the entire development, and which further provides that resale restrictions are established by the developer which ensure that the affordable units remain affordable for a period of forty years.

+15

- 14.2002 Any development of ~~four~~ **six (6)** or more dwelling units which includes 12% - 24% of its units for low and/or moderate income households and meets the other criteria listed in Sections 14.1000 and 14.1001, above.

+10

- 14.2003 Any development ~~four (4)~~ **six (6)** or more dwelling units which, exclusive of affordability, provides one unit, or 10% or more of its units, whichever is greater, as dedicated for the exclusive use of housing diverse population groups for a period not less than 30 years. Such groups may include, but are not limited to, the elderly and persons with disabilities. Developments that include attached units or apartments to meet these needs may be counted.

+1 to +7

- 14.2004 Any development of ~~four (4)~~ **six (6)** or more dwelling units not bound by the requirements of Section 15.10 that:

14.20040 Includes one (1) affordable unit

+5
plus 2 pts./each

add'l aff. unit to
a max. of +15

14.20041 Includes no affordable units.

- 5 to -10

14.201 RESIDENTIAL DEVELOPMENT METHODS

It is the policy of the Town of Amherst to encourage the production of housing that is clustered in design and layout, so as to provide the greatest density of needed housing while requiring the least extent of roadways, utilities, *and services*, and consuming the least amount of critical resource lands in remaining open areas.

14.2010 Any development constructed under the cluster provisions of Section 4.3, the PURD provisions of Section 4.4, or the OSCD provisions of Section 4.5 of the Zoning Bylaw. For any development which includes both clustered lots and standard lots, the increase shall be pro-rated based on the percentage of cluster lots to total lots in the development. +1 to +5

14.2011 Any conventional residential subdivision development consisting of 4 *6* or more lots, including standard frontage lots or flag lots created on both existing and proposed new ways. - 10

14.21 CENTERS & MIXED USE DEVELOPMENT

It is the policy of the Town of Amherst to encourage residential and mixed use development in existing built centers with existing infrastructure, services, and transportation, *and to actively discourage such development in Amherst's remaining open, outlying areas.*

14.210 Any residential use under Sections 3.322-3.325 (inclusive) and 3.329, or residential development method or conversion within the B-G, B-VC, B-L, B-N, R-G or R-VC districts. +10

14.211 Any permitted residential use under Sections 3.322-3.325 (inclusive) and 3.329, or development or conversion not within the B-G, B-L, B-VC, B-N, R-G or R-VC districts but located within 1,000 feet of said districts and also within 500 feet of a federal or state highway or local street designated as arterial (principal, urban major or urban minor) by the Massachusetts Executive Office of Transportation or its successor. +5

14.212 Any use under Section 3.325 within the COM District. +1 to +5

14.213 Except as provided for under Section 14.212, any residential use or development totaling 4 or more units located within *the R-N, R-O or*

R-LD zoning district(s), excepting uses or developments with 25 percent or more of its total housing units affordable under the provisions of Sections 14.2000 or 14.20001 of this Bylaw. -5 to -10

14.22 CRITICAL NATURAL RESOURCE PROTECTION

It is the policy of the Town of Amherst to preserve and protect critical natural resources and the lands supporting or containing them, and to prevent or mitigate development on said lands.

14.220 AQUIFER & WATERSHED - The preservation of critical existing or potential areas of public water supply or recharge.

14.2200 Development in the Aquifer Recharge Protection (ARP) or Watershed Protection (WP) overlay districts:

No public sewer
On public sewer

~~-10-15~~
~~-5~~ -7

14.2201 Any development in the ARP or WP districts which provides no permanent protection or retention of open space.

-7

14.221 WETLANDS & WILDLIFE HABITAT

The preservation of unique or critical natural resources, including but not limited to wetlands as defined under state and local law, riparian corridors as shown in the Amherst Open Space & Recreation Plan, and critical wildlife habitats of state or local significance, *including but not limited to habitats identified under the Natural Heritage Endangered Species Program (321 CMR 10 and 310 CMR 10, as amended) and lands identified locally as being of importance as providing habitat for both game and non-game wildlife species*, all as determined ~~or confirmed to exist~~ by the permit-granting board or authority, following appropriate study.

14.2210 Permanent protection and retention of any of the lands described under this section, above and beyond that mandated under state and local environmental regulations, in the following amounts:

2,000-5,000 sq. ft.	.	+3
For every additional 5,000 sq. ft.		+2
[not to exceed a total of +15 pts.]		

14.2211 Permanent protection and retention of any ~~of the such~~ lands ~~described under this section~~, providing: 1) habitat suitable

for fish or game species, 2) public access, and 3) located a sufficient distance from any hard-surfaced roads and any dwelling or building in regular use on adjacent properties such that a minimum of 90 percent (90%) of the land area to be protected meets the requirements of MGL Ch. 131, Sec. 58, as amended, and is protected in the following amounts:

Minimum 5 acres	+3 to +7
For every additional 10,000 sq. ft.	+1
[not to exceed a total of +15 pts.]	

14.2212 Any development involving the replication of more than 7,500 sq. ft. of bordering vegetated wetland or isolated wetland, or development on a property within any riparian corridor as shown in the Amherst Amherst Open Space & Recreation Plan, or within any critical habitats of state or local significance:

Development of non-wetland riparian corridor or critical habitat:

2,000-5,000 sq. ft.	-3
Each additional 5,000 sq. ft.	-2
[without limit]	

14.222 FLOODPRONE AREAS

Protection and retention of flood-prone areas.

14.2220	Any development or accessory use in the FPC District other than in association with farming or another extensive land resource use permitted by right.	-7
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14.2221	Any development or accessory use on property that includes FPC District where said development occurs outside of or mitigates impacts on the flood-prone areas.	+5
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14.2222	Any development or accessory use providing permanent protection <i>as provided for under Section 4.35</i> for flood-prone areas, in the following amounts:
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<i>2,000-5,000 sq. ft.</i>	<i>+3</i>
<i>For every additional 5,000 sq. ft.</i>	<i>+2</i>
<i>[not to exceed a total of 15 pts.]</i>	

14.223

CRITICAL FARMLAND

It is a priority of the community of Amherst to preserve and promote farming and related resource-based activities as a part of Amherst's economic and cultural heritage, as a viable lifeway for Amherst residents, as a responsible use of land, as an important local source of food, and as an activity which sustains and fosters a connection to the land among citizens.

Protection and retention of farmland according to the following impacts on working farms.

14.2230	Development on agricultural land, defined as land classified prime, unique or of state and local importance by the USDA SCS, or land characterized by active agricultural use as defined by Ch. 61A of the Mass. General Laws.	-10
14.2231	In the Farmland Conservation (FC) District, retention and preservation of agricultural land under permanent agricultural restriction.	5pts. /5 acres <i>[not to exceed a total of 15 pts.]</i>
14.2232	Any development in the R-LD/FC districts providing no permanent protection or retention of farmland.	-7
14.2233	Provision of a minimum 150 foot buffer zone, including a fence and screening vegetation, between new residential buildings and the property boundary of a working farm.	+5
14.2234	Frontage or flag lot development under M.G.L. Ch. 41, Section 81P, with frontage located outside the FC District and a portion of lot area abutting or within the FC District.	
14.22340	More than 5,000 sq. ft. of individual or average lot area in the FC District.	-7
14.22341	2,500-5,000 sq. ft. of individual or average lot area in the FC District.	-5
14.22342	Less than 2,500 sq. ft. of individual or average lot area in the FC District.	-3
14.22343	No lot area in FC District.	0

14.23 CRITICAL HISTORIC RESOURCES

It is the policy of the Town of Amherst to preserve, restore, rehabilitate, and, as appropriate, adaptively reuse its critical historic and archeological resources.

14.230 The permanent preservation of unique or critical historic or archeological resources listed on the National or Massachusetts Registers of Historic Places, any local historic district established under MGL Ch. 40C, as amended, on the Amherst Historic Resource Inventory, or determined by the Amherst Historical Commission to be a *significant structure* under the provisions of Article 13:

- | | | |
|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 14.2300 | Permanent preservation of the resource through the conveyance of a deed restriction or easement in perpetuity, or fee simple interest to the Commonwealth, the Town, or a qualified non-profit organization, the principal purpose of which is the preservation of historic or archeological resources. | +15 |
| 14.2301 | Substantial restoration or rehabilitation of the resource, such that the cost of the work exceeds 30% of the most recent assessed value of the affected structure, or, when the rehabilitation is to a site, where the cost is more than 30% of the assessed value of that portion of the property affected. | +7 to +10 |
| 14.2302 | Partial restoration or rehabilitation of the resource, where the cost of the work is greater than 15% of the most recent assessed value of the affected structure or portion of the site . | +3 to +7 |
| 14.2302 | Demolition, removal, or willful or negligent alteration of significant distinguishing characteristics of the structure or site. | -7 to -15 |

14.24 SERVICES & FACILITIES

It is the policy of the Town of Amherst to assure the provision of high quality, cost-effective accessible facilities, services and programs which contribute to a safe, civil, healthy and sustainable community.

14.240 Improvements or contributions proposed by the developer which meet the needs of a proposed development with streets, utilities, water supply, drainage, public education, public safety services, public recreation, the arts, public transit, or water conservation or other services in amounts or in a manner above and beyond the basic requirements under applicable state and local regulations for the project, such that the improvements or contributions relieve the Town of the burden of providing one or more of these or other public facilities or services for the development, the neighborhood, or the community as a whole. **These needs shall be as determined by the permitting board or authority based upon its review of the Project Impact Report [needs to be created in Rules & Regs.].**

Improvements or contributions need not occur on-site, but may take the form of off-site infrastructure, services, or facilities.

14.2400 Improvements or contributions which meet 120% or more of the service needs generated by the proposed development +1 to +10

14.2401 Improvements or contributions which do not meet the service needs of the proposed development. -1 to -15

14.241 Improvements or contributions which will provide for or reduce the cost of other public services and facilities such as childcare, health care, and services to the elderly or disabled for the proposed development, the neighborhood, or the community. +1 to +10

14.25 SUSTAINABLE SITE & BUILDING DESIGN

It is the policy of the Town of Amherst to mandate, promote, and assure development which adheres to principles of energy efficiency and sustainability in siting, materials, energy use, and design.

14.250 Site and building design which respond to, incorporate and protect natural features such as vegetation, topography, water courses, and views. +7

14.251 Site and building design which is designed to respond to, preserve, replicate, reinforce and/or enhance and improve the historical, architectural, and spatial character of a village center or a residential neighborhood. +5

14.252 Site design and building construction which, in the judgment of the permit-granting board or authority, maximize sustainable design and energy conservation and efficiency, including but not limited to super-insulation, appropriate reuse of existing or salvaged materials, use of sustainably obtained or recycled materials, green roofs and permeable paving, and alternative energy sources, including, but not limited to, passive solar design, on-site energy generation (heat exchange/heat pump technology, geo-thermal, photo-voltaic solar, solar heating or cooling, wind generation, small-scale biomass, and similar sources. +1 to +10

14.253 Site design and building construction which meet the requirement for LEED or equivalent certifications for energy or the use of sustainable forest products or other building materials. +7 to +15

14.254 Site design and building construction whose design provide unobstructed access to solar and wind for adjacent properties. +5

14.255 Site and building designs which employ universal accessibility design for new construction, renovations, and redevelopment, including redesign and renovation

of existing residences and structures to assure the ability of mobility-impaired residents to visit neighbors.

+7

14.256 Site and building design which fail to address any three of the above.

-15

14.26 TRANSPORTATION

It is the policy of the Town of Amherst to develop a balanced, accessible, safe, and environmentally responsible transportation and circulation system that serves users of public transit, pedestrians, bicyclists, and drivers, and that is connected within and among different transportation modes both in Amherst and the region.

14.260 Above and beyond the requirements of subdivision regulations, where applicable, the provision of pedestrian, bicycle, or public transit facilities, or access thereto for residential developments consisting of four (4) or more units in the B-G, B-L, B-VC, B-N, COM, R-G, R-VC, PRP or LI Districts, or six (6) or more units in the R-N, R-O or R-LD Districts:

14.2600	Provision of sidewalks or other multi-use paths meeting ADA/AAB Regulations for handicapped accessibility, including walking, bicycle or bridle paths or trails within the site, connecting the site to adjacent public ways, or including links to existing off-site paths.	
14.26000	Where such paths or trails are fully accessible to members of the general public.	+10
14.26001	Where such paths or trails are provided but are accessible only to residents of the development and not to members of the general public.	+3
14.26002	Failure to provide such paths and trails.	-7
14.2601	Provision and/or connection or access to a public transit stop, including but not limited to stops for buses and passenger rail service.	
14.26010	Provision of a new public transit stop that is connected to the site via existing or new pedestrian paths, where the new stop is located:	
	Within 500 feet of the site	+15
	Within 750 feet of the site	+10
14.26011	Provision of a new accessible sidewalk connection	

	between the site and an existing public transit stop within 750 feet of the site.	+5
14.26012	Failure to provide an accessible sidewalk connection to an existing public transit stop located within 750 feet of the site.	-7
14.26013	No public transit stop located within 750 feet of the development.	-10
14.2602	Provision of new public transportation alternatives, including but not limited to car or bicycle sharing programs, shuttle transit, or, contribution to or participation in the development of <i>multi-modal facilities or</i> new alternative public transit modes including but not limited to monorail, light rail, and similar modes.	+1 to +15

14.3 DEVELOPMENT MODIFICATION CALCULATIONS

14.30 Development Modification Table

Points accumulated under Sections 14.10 through 14.16 shall be totaled and the total shall modify the residential density and non-residential lot coverage, as applicable, as shown on this table and as hereinafter provided in this section.

Total Points	B-G B-L ¹ B-VC	B-N R-G R-VC	R-N B-L ²	R-O R-LD	PRP/OP H COM	R-F	FPC
90 or more	40	35	25	20	15	0	0
80 to 89	35	30	25	15	15	0	0
70 to 79	30	25	20	10	10	0	0
60 to 69	25	20	15	5	10	0	0
50 to 59	20	20	15	5	10	0	0
40 to 49	15	15	15	5	5	0	0
30 to 39	15	10	10	0	5	0	0
20 to 29	10	5	5	0	5	0	0
10 to 19	5	5	5	0	0	0	0
0 to 9	0	0	0	0	0	0	0
-10 to -1	-5	-5	-5	-5	0	0	0
-20 to -11	-10	-5	-5	-5	-5	0	0
-30 to -21	-15	-10	-10	-5	-5	0	0
-40 to -31	-15	-15	-10	-10	-10	0	0
-50 to -41	-20	-20	-15	-15	-15	0	0

-60 to -51	-25	-20	-15	-15	-20	0	0
-70 to -61	-30	-25	-20	-20	-25	0	0
-80 to -71	-35	-30	-25	-25	-30	0	0
-81 or less	-40	-35	-25	-30	-35	0	0

¹ B-L abutting B-G

² B-L not abutting B-G

14.31 Residential Uses or Development

The standard maximum density established for any residential land use or residential development method under Table 3 and Article 4 of this Bylaw shall be modified, and increased or decreased based upon the total points accumulated under Section 14.1. Using the Development Modification Table above, the total points shall indicate, for the zoning district in which the development is located, a specific percentage increase or decrease in the maximum density (number of dwelling units), where the standard maximum density shall be considered equal to 100% (or 1.0) and the figure shall represent the percentage of that standard maximum density by which the total is increased or decreased.

For any residential land use or development method requiring a Special Permit, a score of fewer than 25 total points under this section may be considered by the Special Permit Granting Authority as sufficient grounds for denial of the permit.

In calculating the total number of dwelling units resulting from this modification, the provisions of Section 4.12 shall apply.

14.32 *Mixed* Uses

The standard maximum building coverage permitted under Table 3 for any mixed use under Section 3.325 shall be modified, and increased or decreased based upon the total points accumulated under Section 14.1. Using the Development Modification Table, the total points shall indicate, for the zoning district in which the development is located, a specific percentage of increase or decrease in the maximum lot coverage for the applicable zoning district, where the standard maximum lot coverage, as calculated in square feet, shall be considered equal to 100% (or 1.0) and the specific percentage derived shall be the percentage of the standard maximum building coverage by which total building coverage shall be increased or decreased.

For any mixed use under Section 3.325 requiring a Special Permit, a score of fewer than 30 total points under this section may be considered by the Special Permit Granting Authority as sufficient grounds for denial of the permit.

In calculating the resulting square footage of maximum building coverage resulting from this modification, any fractional portion equal to 0.5 of a single percentage (1.0%) of

total resulting building lot coverage shall be rounded up to the nearest whole percentage, and any fractional portion less than 0.5 of a single percentage (1.0%) of total building coverage shall be rounded down to the nearest whole percentage.

- 14.33 Any mixed use development under Section 3.325, or any single project containing more than one residential dwelling unit and business uses in the same building shall be eligible for modifications under Sections 14.31, 14.32, and 14.34.
- 14.34 Any use accruing more than 50 total points may also increase the number of floors for existing or proposed buildings by a single floor above the maximum for the applicable zoning district. In those instances, the Permit-Granting Board or Special Permit Granting Authority, as applicable, may modify the maximum height as it deems appropriate in order to accommodate the additional floor, *except that the increase above the maximum height shall not exceed twelve (12) feet.*

Additionally, for any use under Section 14.31 or 14.33 scoring 50 or more points, or for any use under Section 14.32 or scoring 60 or more points, the Permit Granting Board or Special Permit Granting Authority may modify the minimum front, side and rear setbacks, and the maximum lot coverage by an amount not exceeding 10 percent of the potential total under Table 3, or, in the B-G, B-VC, B-L and COM districts, by half of the difference between the requirement under Table 3 and 100%.